

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF PEACE OFFICER STANDARDS AND TRAINING

In the Matter of the Disciplinary Hearing  
Relating to Eugene W. Pollard, Jr.,  
License No. 441.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND RECOMMENDATION

The above-entitled matter came on for a prehearing conference before Administrative Law Judge Allen E. Giles at 2:30 p.m. on June 30, 1998, at 100 Washington Square, Suite 1700, Minneapolis, Minnesota.

Michael J. Weber, Assistant Attorney General, Suite 500, 525 Park Street, St. Paul, Minnesota 55103, appeared on behalf of the Complaint Committee of the Board of Peace Officer Standards and Training ("POST" or "the Board").

The Licensee, Eugene W. Pollard, Jr., did not appear at the hearing. Licensee's address is 525 Third Avenue NE, Waseca, Minnesota 56093. No one appeared on behalf of the Licensee. The record closed at the close of the hearing on June 30, 1998.

**STATEMENT OF ISSUE**

Whether Eugene W. Pollard's conduct constitutes grounds for disciplinary action.

Based on the filings and records in this matter, the Administrative Law Judge makes the following:

**FINDINGS OF FACT**

1. On July 1, 1978, Eugene Pollard received a license as a peace officer while employed as a State Trooper for the Minnesota State Patrol.
2. On September 29, 1995, while licensed as a peace officer, Eugene Pollard engaged in conduct that would become the basis of a gross misdemeanor conviction.
3. On January 14, 1997, Eugene Pollard pled guilty to Criminal Sexual Conduct in the Fifth Degree. Minn. Stat. § 609.3451, subd. 1(1). On April 16, 1997, the Committee sent Eugene Pollard a Complaint and Case Synopsis by first-class U.S. Mail. The documents summarized the allegations and provided notice that the Committee would consider the matter on May 21, 1997. Respondent failed to attend the proceedings.
4. A Notice Of and Order for Hearing was served on Eugene Pollard on May 21, 1998. The Notice indicated that a prehearing conference would be held on

June 30, 1998 at the Office of Administrative Hearings. Respondent was also informed that his failure to attend could lead to the allegations in the Complaint being taken as true. Eugene Pollard failed to appear at the prehearing conference and failed to contact the Judge regarding the hearing.

Based on the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### **CONCLUSIONS OF LAW**

1. The Board of Peace Officer Standards and Training and the Administrative Law Judge have jurisdiction of this matter pursuant to Minn. Stat. §§ 214.10 and 14.50.
2. Proper notice of this matter has been given and all necessary procedural requirements have been met by the Board.
3. Eugene Pollard's failure to appear at the prehearing conference in this matter and failure to contact the Administrative Law Judge constitute a default under Minn. Rule 1400.6000. Pursuant to that rule, the Judge takes the allegations in the Complaint as true for the purposes of this proceeding.
4. Eugene Pollard's conviction of a gross misdemeanor constitutes a violation of the standards of conduct set by Minn. Rule 6700.1600.
5. A licensee is required to cooperate with an investigation of the Board as an expected standard of conduct. Eugene Pollard's failure to cooperate with an investigation of the Board constitutes a violation of Minn. Rule 6700.1600 M and Minn. Rule 6700.1610, subp. 4.
6. Under Minn. Stat. § 214.10, subd. 11, the Board is authorized to take disciplinary action against a licensee who has violated the standards of conduct of licensees.

Based on the foregoing Conclusions, the Administrative Law Judge makes the following:

### **RECOMMENDATION**

IT IS RESPECTFULLY RECOMMENDED THAT the Board of Peace Officer Standards and Training take disciplinary action against the peace officer license of Eugene Pollard, Jr.

Dated: July 24, 1998.

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ALLEN E. GILES  
Administrative Law Judge

Reported: Taped, No Transcript Prepared

NOTICE

Notice is hereby given that, pursuant to Minn. Stat. § 14.61, the final decision of the Board shall not be made until this Recommendation has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Board. Exceptions to this Report, if any, shall be filed with John Laux, Executive Director of the Board, 200 Spruce Tree Center, 1600 University Avenue, St. Paul, Minnesota 55104-3825. Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail.